

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-15282 - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Package Liquor Off-Sale Establishment use and all Minimum Requirements under Town Center Development Standards section 4(B) for Alcoholic Beverage Sales/Liquor Stores is required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit for Alcoholic Beverage Sales/Liquor Store at 7220 Azure Drive, Suite 110.

**EXECUTIVE SUMMARY**

The applicant seeks a Special Use Permit for Alcoholic Beverage Sales/Liquor Store for an upscale shop offering wine tasting and package wine and liquor sales in an existing shopping center at West Azure Drive and Tenaya Way in the Town Center Master Plan. The shopping center is located on 6.31 acres and offers suitable parking and accessibility. The subject property is located in a 1,310 square foot suite within the center, near the southeast corner of the parcel. All distance separation requirements for both Title 19 and the Town Center Development Standards Manual are met by the applicant. Due to the location of the shopping center near unincorporated parcels, this site is application is deemed a Project of Regional Significance.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |   |
|----------|---|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) from: U, R-E, R-PD7, R-PD11, R-PD13, R-PD18, R-CL, C-1, C-2, C-V, and P-D to: T-C (Town Center). The Planning Commission and Staff recommended approval.   |
| 04/04/01 | The City Council approved a Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square foot commercial development on 14.16 acres at the northwest corner of the intersection of Tenaya Way and Azure Drive, a Special Use Permit (U-0019-01) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed grocery store, a Special Use Permit (U-0020-01) for a Supper Club, a Special Use Permit (U-0022-01) for a Restaurant Service Bar, a Special Use Permit (U-0023-01) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed drug store. The Planning Commission and Staff recommended approval of all items. |
| 08/06/03 | The City Council approved a Site Development Plan Review (SDR-2399) for a proposed 51,000 square foot retail center and a 90,900 square foot mini-storage facility; and to allow for a reduction in the amount of perimeter and parking lot landscaping. The Planning Commission and Staff recommended approval.  |

- 03/15/06      The City Council approved a Major Modification (MOD-10994) changing the Land Use Designation at the Tenaya Village Center from SX-TC (Suburban Mixed Use – Town Center) to GC-TC (General Commercial – Town Center), Special Use Permit (SUP-10996) for a Tavern and Special Use Permit (SUP-10997) for Gaming (Restricted). Staff recommended denial of the Major Modification and Tavern, and recommended approval of the Gaming (Restricted). The Planning Commission recommended approval of all three applications.
- 09/07/06      The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #5/rl).

***B) Pre-Application Meeting***

- 06/20/06      A pre-application meeting was held in which the applicant was informed of the requirements for a Special Use Permit for Alcoholic Beverage Sales in Town Center. In addition, the applicant was requested to provide a parking analysis for the entire shopping center included with a site plan, as well as the required questionnaire for a Project of Regional Significance.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres:                      6.3 acres

***B) Existing Land Use***

Subject Property:	Service Commercial
North:	Industrial/Commercial
South:	Undeveloped
East:	Single-Family
West:	Undeveloped

***C) Planned Land Use***

Subject Property:	GC-TC (General Commercial - Town Center)
North:	GC-TC (General Commercial - Town Center)
South:	GC-TC (General Commercial - Town Center)
East:	O (Office); R (Rural Density Residential)
West:	TC (Town Center)

**D) Existing Zoning**

Subject Property	T-C (Town Center)
North	T-C (Town Center)
South	T-C (Town Center)
East	R-E (Residence Estates); R-E (Residence Estates) under Resolution of Intent to P-R (Professional Office and Parking)
West	T-C (Town Center)

**E) General Plan Compliance**

The subject property is located in the Centennial Hills Sector of the General Plan. Within this Sector, it has a land use designation of TC (Town Center). This designation is designed to accommodate large commercial, community, and cultural complexes and will ultimately become the main or “downtown” business center for Town Center. It may include regional shopping facilities, high and mid-rise office structures, high-density residential, cultural, community and recreational facilities. On 03/15/06, City Council approved a Major Modification to the Town Center Master Plan (MOD-10994) changing the land use designation of the Tenaya Village Center, in which the subject property is located, from SX-TC (Suburban Mixed-Use – Town Center) to GC-TC (General Commercial - Town Center).

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	X	
Town Center	X	
<b>Special Overlay District</b>		X
<b>Trails</b>	X	
<b>Rural Preservation Overlay District</b>		X
<b>County/North Las Vegas/HOA Notification</b>		X
<b>Development Impact Notification Assessment</b>	X	
<b>Project of Regional Significance</b>	X	

**Town Center**

The subject site is located within the Town Center District. The site is designated as GC-TC, which allows the use of Alcoholic Beverage Sales/Liquor Store with a Special Use Permit.

**Trails**

A Multi-Use, Transportation trail runs along the eastern edge of the subject site. No provision for this trail is required as a part of this application. Additionally, the Town Center Loop Trail alignment runs along the southern portion of subject site but will not affect this application.

**Development Impact Notification Assessment and Project of Regional Significance**

Due to the subject site's proximity to an adjacent jurisdiction (Clark County), this request is deemed a Project of Regional Significance. An Environmental Impact Assessment form is required and is discussed in more detail below.

**INTERAGENCY ISSUES**

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

Any Special Use Permit within 500-Feet of an adjacent jurisdiction (unincorporated Clark County).

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received as of the completion of this report.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

**ANALYSIS**

***A) Zoning Code Compliance***

**A1) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Shopping Center	43,261 sf	1/250 sf GFA	167	6	318	8

The entire shopping center, including the subject property, requires 325 parking spaces, including 8 handicap van accessible spaces. The site plan includes 326 spaces including the 8 accessible spaces and therefore exceeds the parking requirements.

**A2) Minimum Distance Separation Requirements**

Pursuant to Title 19.04 and the Town Center Development Standards Manual, the following Standards apply to the subject proposal:

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>
Alcoholic Beverage Sales/Liquor Store	Shall not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.	Yes

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>
Trash Enclosure	Shall not be located within 50 Feet of any property line from any protected property.	Yes

The application meets the distance separation requirements as well as the trash enclosure requirements as required in Title 19 and the Town Center Development Standards Manual.

***B) General Analysis and Discussion***

- **Zoning**

The site is zoned T-C (Town Center). The land use designation of GC - T-C (General Commercial – Town Center) permits the proposed Alcoholic Beverage Sales/Liquor Store with approval of a Special Use Permit pursuant to Title 19 and the Town Center Development Standards Manual. This application, if approved, would satisfy that requirement.

- **Use**

Alcoholic Beverage Sales/Liquor Stores is listed on the permitted uses table within the GC-TC designation in Town Center. The proposed 1,310 square foot Wine Shop will be located in an existing commercial center and it would meet all applicable conditions, including distance separation. Furthermore, all development standards, including parking, will be met on the site.

- Conditions

Per the Town Center Development Standards Manual, the following conditions are automatically applicable to Alcoholic Beverage Sales/Liquor Stores:

- a. No beer/wine/cooler on-sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale, package, wholesale general use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.
- b. The distances referred to in Paragraph 1 shall be measured in a straight line from the property line of the church, synagogue, school, child care facility, or from the nearest property line of a City park to the property line of the proposed liquor premises, and in a straight line from the property line of the proposed tavern to the property line of any existing liquor establishment premises disregarding all intervening obstacles.
- c. When considering a Special Use Permit application for a liquor establishment for off-premise consumption which also requires a waiver of the distance limitation in Paragraph One, the Planning Commission shall take into consideration the distance policy, and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- d. All business which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The subject proposal complies with the above conditions, and requires no distance waivers.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is compatible with the surrounding neighborhood and with future uses as projected by the General Plan. There are no protected uses within the minimum separation distance required by Title 19.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site can easily accommodate the proposed Alcoholic Beverage Sales/Liquor Stores Use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by Azure Drive (a 70-foot frontage street) and Tenaya Way (an 80-foot secondary collector). As such, the addition of a tavern will not negatively impact existing transportation facilities.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this request will not be inconsistent with the objectives of applicable plans and documents.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 406 by City Clerk

**APPROVALS** 0

**PROTESTS** 0